

1 **KISSINGER N. SIBANDA Esq, Attorney at Law, *Pro Se***

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7 *Attorney for Plaintiff.*

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10 **UNITED STATES DISTRICT COURT**

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12 **FOR THE SOUTHERN DISTRICT OF NEW YORK**

13

14 KISSINGER N. SIBANDA

15

16 *Plaintiff,*

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18 v.

19 DAVID ELISON, DAVID BENIOFF, BILLY
20 RAY, DARREN LEMKE, SKYDANCE
21 PRODUCTIONS, LLC, a California Limited
22 Company; and GEMINI PICTURES, LLC, a
23 California Limited Liability Company.

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28 *Defendants.*

10 } **Case No: 1:23-CV-05752-JMF**

11 } REQUEST TO STRIKE:

12 } FIRST AMENDED COMPLAINT, ECF: 6.

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16 } Application GRANTED. The Clerk of
17 } Court is directed to strike ECF No. 6
18 } and terminate ECF No. 8.

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21 } SO ORDERED.

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1 July 11, 2023

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2 Hon. Judge Jesse Freeman:
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4 This is a request from Plaintiff, Kissinger N. Sibanda, for the court to strike Docket No. 6
5 (First amended complaint) because complaint has not been operatively served pursuant to Rule
6 Federal Rule of civil Procedure Rule 15 (1) (A). Plaintiff will upload and docket a new first
7 amended complaint once the initial complaint is served pursuant to the aforementioned rule,
8 which states:

9 (1) Amending as a Matter of Course. A party may amend its pleading **once as a matter**
10 **of course** within:

11 (A) **21 days after serving it**, or

12 (B) if the pleading is one to which a responsive pleading is required, 21 days after service
13 of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f),
14 whichever is earlier.

15 Plaintiff will upload the appropriate and procedurally accurate First Amended Complaint
16 once the initial complaint is properly and legally served. My apologies for the oversight by my
17 office.

18 Dated: 07/8/2023

19 LIVINGSTON, NJ

20 By: /s/Kissinger N. Sibanda

21 DR. KISSINGER N. SIBANDA ESQ
22 The Law Offices of Kissinger N. Sibanda
23 LL. B (Hons); LL.M (State / Trial); LL.M (Federal/ Trial)

24 Admitted: United States Supreme Court
25 Second Circuit

26 Mail to: PO Box. 714. Livingston. NJ 07039

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2 *Pro Se Plaintiff*
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